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PP RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHRL #0855/01 1170901

ZNY CCCCC ZZH

P 270901Z APR 07

FM AMEMBASSY BERLIN

TO RUEHC/SECSTATE WASHDC PRIORITY 8094

INFO RUCNFRG/FRG COLLECTIVE PRIORITY

RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

RUEAHLC/DEPT OF HOMELAND SECURITY WASHDC PRIORITY

RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY

RUEATRS/DEPT OF TREASURY WASHDC PRIORITY

RHMCSUU/FBI WASHINGTON DC PRIORITY

RUEFHLC/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY

RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY

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C O N F I D E N T I A L SECTION 01 OF 02 BERLIN 000855

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E.O. 12958: DECL: 04/27/2017

TAGS: PTER ETTC PREL KTFN GM TU

SUBJECT: RECENT GERMAN ACTIONS AGAINST THE PKK: RAIDS AND ARRESTS

REF: A. 3/22/07 KOUMANS-DEPT/ANKARA EMAIL

1B. BERLIN 722

1C. FRANKFURT 220

1D. 06 BERLIN 3391

1E. 06 BERLIN 1650 AND PREVIOUS

Classified By: Minister-Counselor for Economic Affairs Robert F. Cekuta
for Reasons 1.4 (b) and (d)

11. (C) SUMMARY. In the course of the last two months, German authorities have taken a number of actions against the PKK, including arresting two key PKK leaders and conducting raids on the homes and offices of numerous suspected PKK members. The actions again demonstrate German intentions and ability to target the PKK when permissible under German law, but the possible release of one long sought PKK leader -- Sakine Cansiz -- and the absence of any significant arrests subsequent to the raids underscores that without evidence that will stand up in court, authorities cannot do all they -- and we and the Turkish government -- might like. A Turkish Embassy representative recognized that Germany has made a political decision to target the PKK, but said he did not expect more German court actions to approve Turkish extradition requests as a result of the legal cooperation agreement reached during the visit to Berlin of the Turkish Justice Minister. END SUMMARY.

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SAKINE CANSIZ ARRESTED; NEXT STEPS
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12. (C) Hamburg Police arrested the long-sought PKK leader Sakine Cansiz March 19 at the Sternschanze metro (S-Bahn) station pursuant to a Turkish arrest warrant distributed via INTERPOL, Hamburg officials told ConGen Hamburg (ref A). In 2006, U.S. and Turkish officials had identified Cansiz as a priority PKK leader to bring to justice (ref C). German law allows German authorities to place individuals under provisional arrest for 40 days pending extradition and Turkish Embassy Political Counselor Kemal Tuzun confirmed April 2 Turkish officials are preparing a formal extradition request. Tuzun welcomed what he said was a clear "German political decision" to arrest Cansiz.

13. (SBU) It will be important that Turkish authorities take the right steps if the extradition is to be successful. Under German law, the Hamburg prosecutor handling the Cansiz case must review the extradition request for legal sufficiency. Expectations, however, are that the prosecutor will deny the extradition request if the Turkish charges are

limited to what are seen in Germany as "political crimes." German courts have denied previous Turkish extradition requests that only charged individuals with "infringing upon the unity of Turkey." The prosecutor could also deny the request if there are indications the subject will not receive a fair trial in Turkey. If the prosecutor decides the request is admissible, he will request court approval. The German Federal Justice and Foreign Ministries also must review the request.

¶4. (C) There are indications the extradition request may fail, resulting in Cansiz's release. Federal Interior Ministry Officer for Foreigner Extremism and Terrorism Thomas Noetges told Emboff he doubts the German court will approve Cansiz's extradition. Noetges has handled PKK issues for 13 years and referred to previous extradition requests he had seen falter. Noetges said he had heard Hamburg authorities might try to charge Cansiz with narcotics offenses or other crimes under German law, an allegation Hamburg officials denied to Hamburg ConGenOff. Hamburg officials have not released any information about the arrest -- we are only aware of Turkish/Kurdish media articles about the Cansiz case -- and they are reluctant to discuss the issue with U.S. officials absent a clear connection to the U.S. The Turkish/Kurdish press has also reported on demonstrations held in Germany demanding Cansiz's release. The 40 days of pre-extradition detention would appear to end on Friday, April 27. We will continue to monitor this case closely.

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RAIDS IN BAVARIA
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¶6. (C) In a separate action, Bavarian officials raided 35 homes and businesses of suspected PKK members April 18-19. According to information provided to ConGen Munich and Legat, 175 officials of the Bavarian Office of Criminal Investigation (LKA) and two officials of the Federal Office of Criminal Investigation (BKA) conducted searches mainly in Nuremberg, Regensburg, and Ingolstadt. Bavarian officials identified 32 individuals for investigation, including three alleged local PKK leaders and 13 Turkish citizens. German officials believe some in this group are involved with local PKK fundraising as well as the sale of PKK propaganda. The police temporarily detained one individual who attempted to offer resistance. After questioning all the individuals, however, Bavarian officials subsequently released them. Bavarian authorities did, however, confiscate numerous items to assist their investigation, including 12 PCs, numerous cell phones, data storage devices, receipts, calendars, PKK propaganda, and 16,000 euros in cash.

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GERMAN - TURKISH LEGAL COOPERATION
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¶7. (C) Visiting Turkish Justice Minister Cemil Cicek signed a judicial cooperation agreement with German Justice Minister Zypries in Berlin March 21, but it does not aim directly at PKK-related cooperation. Ministry of Justice Counterterrorism Office Director Mathias Hellman, MOI officer Noetges, and Turkish PolCouns Tuzun all downplayed expectations that the agreement in the short term will address the problem of Turkey submitting extradition requests for PKK leaders that German courts do not find sufficient to enable extradition. According to a German Justice Ministry press release, the agreement calls for specific exchange programs over a two year period to deepen legal cooperation, improve the education of judges, and ensure Turkish conformity with EU law.

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PKK LEADER TURNS HIMSELF IN
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¶8. (U) The Federal Prosecutor announced that a 1990s-era PKK leader, a 57-year old Turkish citizen of Kurdish heritage identified only as "Muharrem A.," turned himself into Berlin police March 7. A September 23, 1999 indictment charges him with regional leadership of the PKK from February 1994 to April 1995, a time when German authorities considered the PKK a terrorist organization due to attacks perpetrated in Germany. The German prosecutor charges "Muharrem A." with having ordered six arson attacks, including against police stations, and a judge ordered him be held in pretrial detention. (NOTE: Per ref D, in 1998 the Federal Prosecutor determined that since the PKK's previous campaign of bombings and violence in Germany had ended, from that point on German prosecutors would charge PKK members in Germany with criminal, vice terrorist, offenses. As a separate matter, the Interior Minister banned the PKK in Germany in November, 1993 under the Law on Associations, an action which enables German authorities also to charge individuals with membership in and/or leadership of a banned organization. End Note.)

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